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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,959	12/14/2001	Cary Lee Bates	ROC920010308US1	7522
7590	02/25/2005		EXAMINER	
Gero G. McClellan Moser, Patterson & Sheridan, L.L.P. Suite 1500 3040 Post Oak Boulevard Houston, TX 77056-6582			KANG, INSUN	
			ART UNIT	PAPER NUMBER
			2124	
DATE MAILED: 02/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,959

Applicant(s)

BATES ET AL.

Examiner

Insun Kang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/14/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responding to application papers dated 12/14/2001.
2. Claims 1-28 are pending in the application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims 1, 11, and 20 recite that halting the execution of the code, if the user-specified breakpoint is not fired. The claims do not recite the steps of halting.

Therefore, it is unclear how the halting can be performed when the breakpoint is not fired.

As per claims 2-10, 12-19, and 21-28, these claims are rejected for dependency on the above rejected parent claims.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al. (US Pub. 2003/0061599) hereinafter referred to as "Bates."

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Per claim 1:

Bates discloses:

- debugging code containing a user-specified breakpoint located within a region of the code ("tracking breakpoint hits in a program being debugged," paragraph 0002; "a user specified breakpoint," 0027) -executing the code; determining whether the execution of the code exits the region of the code without firing the user-specified breakpoint; and if so, halting the execution of the code ("If the condition is true, or if step 534 is answered negatively, processing proceeds to step 538 where any and all breakpoint counters of the range counter list 426 for the encountered breakpoint are incremented," 0050).

Per claim 2:

The rejection of claim 1 is incorporated, and further, Bates teaches:

- the user-specified breakpoint is a conditional breakpoint having an associated condition and execution exits the region without firing the user-specified breakpoint

because the associated condition is not satisfied (i.e. 0019).

Per claim 3:

The rejection of claim 1 is incorporated, and further, Bates teaches:

- encountering the user-specified breakpoint; suspending the execution of the code at the user-specified breakpoint; and in response to a user-specified run-to command received while execution of the code is suspended, executing the code until reaching an exit point of the region is reached(i.e. 0019).

Per claim 4:

The rejection of claim 1 is incorporated, and further, Bates teaches:

- the user-specified breakpoint is a non-conditional breakpoint and execution exits the region without firing the user-specified breakpoint because the user-specified breakpoint is not encountered (i.e. 0019; 0045).

Per claim 5:

The rejection of claim 1 is incorporated, and further, Bates teaches:

- prior to determining: setting an internal safety net entry breakpoint in the code relative to an entry point of the region; and setting a safety net exit breakpoint in the code relative to an exit point of the region (i.e. 0048)

Per claim 6:

The rejection of claim 5 is incorporated, and further, Bates teaches:

- setting the internal safety net entry breakpoint and setting the safety net exit breakpoint are performed automatically in response to a user selection of the region (i.e.

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0048).

Per claim 7:

The rejection of claim 5 is incorporated, and further, Bates teaches:

- setting the safety net exit point is performed automatically in response to encountering the internal safety net entry breakpoint (i.e.0048).

Per claim 8:

The rejection of claim 5 is incorporated, and further, Bates teaches:

- the entry point and the exit point are determined by a compiler (i.e. 0023).

Per claim 9:

The rejection of claim 1 is incorporated, and further, Bates teaches:

- the region of the code is defined by an entry point and an exit point and wherein halting comprises encountering a safety net breakpoint located in the code relative to the exit point (i.e. 0051, 0048, 0050).

Per claim 10:

The rejection of claim 9 is incorporated, and further, Bates teaches:

- determining, by a compiler, the entry point and the exit point prior to executing the code (i.e. 0051, 0048, 0050).

Per claims 11-19, they are the computer readable medium versions of claims 1, 3, and 4-10, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1, 3, and 4-10 above.

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Per claims 20-28, they are the system versions of claims 1, 3, and 4-10, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1, 3, and 4-10 above.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-F 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

I. Kang
2/18/2005

Kakali Chaki

**KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
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